

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 17 JAN 2006

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Applicant's or agent's file reference BNLB:PMC:FP21015	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/AU2005/000061	International filing date (day/month/year) 20 January 2005	Priority date (day/month/year) 20 January 2004
International Patent Classification (IPC) or national classification and IPC Int. Cl. G01N 21/21 (2006.01) G01N 33/36 (2006.01)		
Applicant COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

Date of submission of the demand 13 May 2005	Date of completion of this report 05 January 2006 11 JAN 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer LYNN BLOOMFIELD Telephone No. (02) 6283 2851

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AU2005/000061

Box No. I Basis of the report

1. With regard to the language, this report is based on:

☒ The international application in the language in which it was filed

☐ A translation of the international application into
translation furnished for the purposes of:

, which is the language of a

☐ international search (under Rules 12.3(a) and 23.1 (b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ the claims:

pages as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ the drawings:

pages as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing *(specify)*:

☐ any table(s) related to the sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing *(specify)*:

☐ any table(s) related to the sequence listing *(specify)*:

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AU2005/000061

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1 – 23	YES
	Claims	NO
Inventive step (IS)	Claims 1 – 23	YES
	Claims	NO
Industrial applicability (IA)	Claims 1 – 23	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The following document identified in the International Search Report is considered to be the closest relevant prior art:

D1: Standard Test Method for Maturity of Cotton Fibers (Sodium Hydroxide Swelling and Polarized Light Procedures). ASTM Designation D1442-80

Novelty (N), Inventive Step (IS)

D1 discloses a method and apparatus for classifying whether cotton fibres are mature or immature which includes exposing the sample of fibres to polarized light, capturing an image through crossed polar lenses and a compensator plate and manually comparing the measured interference colours with known reference data. However, D1 does not disclose the use of computer image analysis that is capable of determining the maturity of the fibres by comparing the image to reference data. Claims 1 – 23 therefore satisfy the requirements for novelty.

Furthermore, it is considered that in this art it would not be a trivial exercise to establish computer analysis that is capable of determining fibre maturity directly through comparison of interference data with reference data. Therefore the subject matter of these claims is not obvious and meets the requirements of Article 33(3) PCT with regard to inventive step.